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Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
1300 I Street, N.W.
Washington DC 20005-3315

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OFFICE OF PETITIONS

In re Application of :
Norimasa Niiya :
Application No. 09/993,708 : DECISION GRANTING PETITION
Filed: November 27, 2001 :
Attorney Docket No. 04329.2698 :
Title: KEY TELEPHONE SYSTEM, :
KEY TELEPHONE, INTERFACE UNIT, :
AND TRANSMISSION SCHEME :
DETERMINATION METHOD :

This is a decision on the "Response to Notice of Omitted Item(s) in a Nonprovisional Application", filed February 21, 2002, which is properly treated as a petition requesting that Figures 14 and 15 be accorded a filing date of November 27, 2001, as part of the original disclosure.

On November 27, 2001, the above-identified application was filed. On December 11, 2001, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (Notice), stating that the application had been accorded a filing date of November 27, 2001, and advising applicant that Figures 14 and 15 appeared to have been omitted.

In response, on February 21, 2002, applicants filed the present petition. The petition is further accompanied by a copy of applicants' postcard receipt acknowledging receipt of sixteen (16) Figures in the United States Patent and Trademark Office (Office) on November 27, 2001. Applicants request Figures 14 and 15 be accorded a filing date of November 27, 2001.

Upon review of the record, Figures 14 and 15 have not been located among the application papers. However, the evidence is

convincing that the application papers deposited on November 27, 2001, included Figures 14 and 15, and were subsequently misplaced in the Office. Therefore, the application, including Figures 14 and 15, was complete on filing and entitled to a filing date of November 27, 2001.


Accordingly, the petition is **GRANTED**.

The Notice mailed December 11, 2001 was sent in error and is hereby **VACATED**. Therefore, no petition fee is necessary.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of November 27, 2001, using Figures 1-13 and 16 which have been located in the file, as well as Figures 14 and 15, submitted on November 27, 2001.

It is noted that the file also contains a Request for a Corrected Filing Receipt, as the Filing Receipt mailed on February 1, 2002 indicates a filing date of January 17, 2002. This is obviously a misprint, and a corrected filing receipt has been included with this decision.

Any inquiries related to this decision should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.


Beverly Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Encl. Corrected Filing Receipt